

Adopted	Rejected
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COMMITTEE REPORT

YES:	17
NO:	7

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 427, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-7-2-122.7 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2001]: **Sec. 122.7. "Legend drug", as used in**
- 6 **IC 12-15-31-6, has the meaning set forth in IC 16-18-2-199.**
- 7 SECTION 2. IC 12-7-2-127.3 IS ADDED TO THE INDIANA
- 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2001]: **Sec. 127.3. "Manufacturer", as used**
- 10 **in IC 12-15-31-6, has the meaning set forth in IC 25-26-14-8.**
- 11 SECTION 3. IC 12-7-2-190.3 IS ADDED TO THE INDIANA
- 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2001]: **Sec. 190.3. "Television station", as**
- 14 **used in IC 12-15-31-6, has the meaning set forth in**
- 15 **IC 12-15-31-6(c).**
- 16 SECTION 4. IC 12-15-31-6 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2001]: Sec. 6. (a) As used in this section, "legend drug" has the
3 meaning set forth in IC 16-18-2-199.

4 (b) As used in this section, "manufacturer" has the meaning set
5 forth in IC 25-26-14-8.

6 (c) As used in this section, "television station" means a
7 broadcasting station:

8 (1) that is licensed by the Federal Communications
9 Commission as a commercial television station; and

10 (2) whose transmission is received in Indiana.

11 The term includes a broadcasting station whose transmission is
12 received through the use of cable, digital, satellite, or similar
13 television equipment.

14 (d) Not later than January 1, April 1, July 1, and October 1 of
15 each year, a manufacturer shall submit to the office a list of each
16 legend drug:

17 (1) manufactured, prepared, propagated, compounded,
18 processed, packaged, repackaged, or labeled by the
19 manufacturer; and

20 (2) advertised on a television station at any time during the
21 previous three (3) months.

22 (e) A manufacturer shall provide each pharmacy that
23 participates in the Medicaid program with copies of a verbatim
24 written transcript of each advertisement of a legend drug
25 broadcast on a television station during the previous three (3)
26 months. The number of copies provided under this subsection must
27 be sufficient for the pharmacy to comply with IC 25-26-13-32.

28 (f) The office shall require prior authorization for a legend drug
29 that is reported in a list filed under subsection (d).

30 (g) The office shall remove a legend drug from prior
31 authorization if:

32 (1) the drug was not advertised on a television station during
33 the most recently completed quarter; and

34 (2) prior authorization is not otherwise required by law.

35 (h) A prescription may not be filled under the Medicaid
36 program for a legend drug for which the manufacturer has failed
37 to comply with the requirements of this section.

38 (i) The office may adopt rules to implement this section."

1 Page 2, after line 14, begin a new paragraph and insert:
 2 "SECTION 7. IC 25-26-13-32 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2001]: **Sec. 32. When dispensing a drug for**
 5 **which prior authorization is required under IC 12-15-31-6(f), a**
 6 **pharmacist shall provide the patient with a copy of each verbatim**
 7 **written transcript concerning the drug provided by the drug's**
 8 **manufacturer under IC 12-15-31-6(e).**
 9 SECTION 8. [EFFECTIVE JULY 1, 2001] **(a) As used in this**
 10 **SECTION, "manufacturer" has the meaning set forth in**
 11 **IC 25-26-14-8.**
 12 **(b) Notwithstanding IC 12-15-31-6(d) and IC 12-15-31-6(e), both**
 13 **as added by this act, a manufacturer is not required to file the**
 14 **information required under IC 12-15-31-6(d) or provide the**
 15 **information required under IC 12-15-31-6(e), both as added by this**
 16 **act, until October 1, 2001.**
 17 **(c) This SECTION expires October 31, 2001."**
 18 Renumber all SECTIONS consecutively.
 (Reference is to SB 427 as printed February 9, 2001.)

and when so amended that said bill do pass.

Representative Bauer